

DECISION OF THE ANDOVER PLANNING BOARD
AS A SPECIAL PERMIT GRANTING AUTHORITY

ON THE APPLICATION OF

C.A. Investment Trust

For a Modification to Special Permit (SP07-04) for New Multi-Family Dwelling Construction-
Attached Cluster under Section 7.3 of the Zoning By-Law.

Recorded with No. Essex Deeds Book 10987, Pg. 272

Decision: SP12-01

YES (with conditions)

A public meeting of the Planning Board was held on April 11, 2012, in the first floor conference Room of the Town Office Building. Present and voting in the affirmative on the matter were members Joan Duff, Vincent Chiozzi, Eric Macaux and John McDonnell.

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TOWN OF ANDOVER, MASS

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on March 1, 2012 and March 8, 2012, and notice sent by mail, postage prepaid, to all interested parties pursuant to the provisions of Massachusetts General Laws, Chapter 40A, a public hearing was convened on March 20, 2012 on the application of C.A. Investment Trust for a Modification of Special Permit for New Multi-Family Dwelling Construction-Attached Cluster. The hearing was closed on April 11, 2012, with the aforementioned members of the Board present throughout.

Special Permit 07-04 was for the construction of 21 units on 15.20 acres of land. The modification (SP12-01) is to add an additional unit for a total of 22 and to lengthen Ivana Drive by approximately 15 feet.

The premises affected is a certain tract of land owned by CA Investment Trust known as Swan Crossing III (Ivana Drive).

In considering a special permit the Board can, and will, impose such conditions or safeguards, as it deems reasonably necessary.

In the opinion of the Board, in consideration of all the reviews, presentations, discussions, agreements and understandings on the petition the Board find that the proposed modification to the above Special Permit will not be unreasonably detrimental to the established or future character of the neighborhood and Town, and that such modification is in harmony with the general purpose and intent of the Zoning Bylaw.

In the opinion of the Board the issuance of the modification of special permit (with appropriate conditions) will not result in unreasonable detriment to the neighborhood or the Town.

In consideration of all of the foregoing, including the plans, documents, and testimony given during the public hearings, the Planning Board hereby approves and issues a Modification to Special Permit for New Multi-Family Dwelling Construction-Attached Cluster for C.A. Investment Trust, applicable to the property earlier described, and subject to the revision to conditions of SP07-04:

Condition#2 will now read:

2. Except as otherwise provided for in these conditions all work associated with the project shall be in strict conformance with the following plans and drawings as prepared by Land Engineering & Environmental Services, Inc.:

- a. Cover Sheet entitled "Swan Crossing III", dated February 6, 2012 (revised);
- b. Sheet 1 of 5, Layout Plan entitled "Swan Crossing III", dated February 6, 2012 (revised);
- c. Sheet 2 of 5, Site Grading Plan entitled "Swan Crossing III", dated February 6, 2012 (revised);
- d. Sheet 3 of 5, Utility Plan entitled "Swan Crossing III", dated February 6, 2012 (revised);
- e. Sheet 4 of 5, Utility Plan entitled "Swan Crossing III", dated February 6, 2012 (revised);
- f. Sheet 5 of 5, Detail Sheet entitled "Swan Crossing III", dated February 6, 2012 (revised);

g. Sheet 1 of 1, Gate House Plan, dated September 11, 2007;

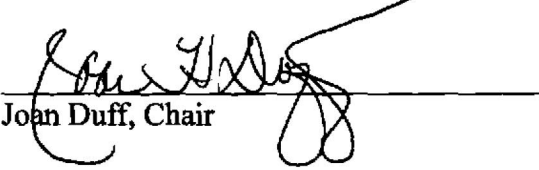
h. Landscaping, Phase III Swan Lane Condos, dated March 20, 2007

All other conditions of approval for SP07-04 Swan Crossing III shall stay in full force and effect.

Following the statutory twenty-day appeal period, and in the absence of any appeal, the plan and an instrument containing the foregoing restrictions will be filed in the Registry of Deeds. The applicant is responsible for the costs associated with the Registry filings.

On April 11, 2012, at a regularly scheduled public meeting, the Andover Planning Board voted (4-0) to issue the foregoing Modification of Special Permit for New Multi-Family Dwelling Construction-Attached Cluster.

Date: 4-13-2012


Joan Duff, Chair

Essex, ss

COMMONWEALTH OF MASSACHUSETTS

On this 13th day of April, 2012, by Joan Duff, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate to the best of her knowledge and belief and who acknowledged to me that she signed it voluntarily for its stated purpose and acknowledged the foregoing to be the free act and deed of the Andover Planning Board.

JACKI A. BYERLEY
NOTARY PUBLIC
My commission expires July 4, 2014

Before me,



Jacki Byerley, Notary Public

My commission Expires: July 4, 2014

CERTIFICATION

I, Lawrence Murphy, Town Clerk of the Town of Andover, Massachusetts, do hereby certify that twenty (20) days have elapsed since this decision of the Andover Planning Board was filed in my office on April 13, 2012 and no appeal against said decision has been filed.

Date: May 7, 2012


Lawrence Murphy, Town Clerk